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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,537	10/09/2001	Pasi Into Loukas		7812

Pasi Loukas  
Kemintie 969  
Rovaniemi, 96700  
FINLAND

7590 11/29/2005

EXAMINER

MARCELO, MELVIN C

ART UNIT PAPER NUMBER

2662

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/973,537	<b>Applicant(s)</b> LOUKAS, PASI INTO	
	<b>Examiner</b> Melvin Marcelo	<b>Art Unit</b> 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 10-12 and 14-19 is/are allowed.
- 6) ☒ Claim(s) 9, 13, 20-22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the new claims have been considered but are moot in view of the new ground(s) of rejection. New claims 20-22, 24 and 25 are broader than their corresponding original counterparts.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9, lines 18-19, "wherein if said (g) type...then the smallest number of pulses in a group is optionally one" conflicts with independent claim 8, line 2, "forming a group of two or more partially overlapping short pulses," wherein the number of pulses in a group cannot be optionally one since a group is formed of two or more pulses.

Claim 13, line 6, "said appointed packets" lacks a proper antecedent basis.

Claim 13, lines 6-7, "such advance knowledge of their properties" is ambiguous since it is not clear whether applicant is referencing the occurrence information or some other "advance knowledge."

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20, 21, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Chin (US 5,872,783 A).

With respect to the claims below, references to the prior art appear in parenthesis.

20 (NEW). A packet switching method for packet based networks (**Chin, packet network switch in Figure 2**), especially for wide area networks like the Internet (**This is an example rather than a limitation**), comprising:

*a node computer (CPU 220 in network switch 200, Figure 2) reading / resolving the source address, content type or other property of a packet, which is not a delivery address (PTID is a property of the packet stored in field 350 (Figure 3), which is read (column 5, lines 1-12));*

*the node computer switching said packet to the appropriate output port according to said read property (PTID tag is used with the forwarding table 400 to switch to the appropriate outbound port 405 (column 5, lines 13-40))*

21. (NEW). A packet switching method according to claim 20, comprising:

*wherein said read property is used together with the intermediate or final delivery address of said packet to determine the appropriate output port for said packet (The read property-PTID 408 is used together with the final delivery address DA 404 in the forwarding table to determine the outbound port information 405 (Figure 4)).*

24 (NEW). A packet switching method for packet based networks (**Chin, packet network switch in Figure 2**), especially for wide area networks like the Internet (**This is an example rather than a limitation**), comprising:

*the header or other section of a packet containing a referring pointer to (Packet in Figure 3 includes PTID 350 which is a pointer to the Inbound Table in Figure 4):*

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*(a) a property of a preceding packet in the same packet train (A preceding packet establishes the PTID as the property for subsequent packets in a train (column 5, lines 42-53),*

*(b) or, to a property in an index of the most frequent packet properties having occurred in a packet traffic between two switching nodes carrying also said packet (Inbound Table is an index of most frequent packet properties such as Priority+VLAN 402, DA 404, Outbound Port Information 405 and Next Hop 406, wherein the PTID identifies/points to the corresponding entry 410 of the table (column 5, lines 42-53));*

*said property being an intermediate or final delivery address, or other property (Table properties include the final delivery address DA 404 and other properties such as Priority+VLAN 402 (Figure 4)) ;*

*a node computer switching said packet to the appropriate output port according to said referred property (PTID tag is used with the forwarding table 400 to switch to the appropriate outbound port 405 (column 5, lines 13-40)).*

*25 (NEW). A packet switching method according to claim 24, comprising:*

*wherein the node computer updates said referring pointer if necessary (The PTID tag is updated (column 6, lines 1-17)).*

6. Claim 22 is rejected under 35 U.S.C. 102(3) as being anticipated by Jimmei et al. (US 6,614,795 B1).

With respect to the claims below, references to the prior art appear in parenthesis.

*22 (NEW). A packet switching method for packet based networks (Jimmei, packet switch node in Figure 1), especially for wide area networks like the Internet (This is an example rather than a limitation), comprising:*

*the header or other section of a packet containing occurrence information about certain subsequent packet(s) in the packet train which have certain intermediate or final delivery*

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*address(es), or certain other property(ies)* (The packet includes occurrence information that acts as a trigger for suggesting the likelihood of a large number of subsequent packets to follow (column 2, lines 49-60));

*a node computer* (**Packet switch node, Figure 1**) switching said appointed packets according to such advance knowledge of their properties to the appropriate output port(s) (**Switch Node** uses the trigger packet to establish a cut-through connection in order to switch the subsequent packets following the trigger packet (trigger packet and following packets are a train) to the appropriate output port (column 6, lines 5-19)).

#### ***Allowable Subject Matter***

7. Claims 8, 10-12 and 14-19 are allowed.
8. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 9 and 13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

#### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Marcelo whose telephone number is 571-272-3125. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Melvin Marcelo  
Primary Examiner  
Art Unit 2662

November 27, 2005